



MONTANA STATE PRISON POLICIES AND PROCEDURES

Policy No.: MSP 3.3.4	Subject: MEDIA ACCESS TO INMATES
Chapter 3: INSTITUTIONAL OPERATIONS	Page 1 of 4, plus two attachments
Section 3: Inmate Issues	Revision Date:
Signature: /s/ Mike Mahoney	Effective Date: 09-04-01
Signature: /s/ Ross Swanson	

I. POLICY: It is the policy of MSP to accommodate all reasonable requests by the media to interview inmates, consistent with the security and needs of MSP.

II. AUTHORITY:

2-15-112, MCA.	Duties and Power of Department Heads
53-1-203, MCA.	Power and Duties of Department of Corrections
DOC 1.1.8	Media Relations
DOC 1.5.6	Offender Records Access and Release
DOC 3.1.23	Department Facility/Program Tours
DOC 3.2.1	Emergency Preparedness
DOC 3.3.4	Media Access to Offenders

III. DEFINITIONS:

Commander means the person in charge of the facility during an emergency or large-scale crisis as defined in MSP Policy 3.2.1 “Emergency Preparedness” and the emergency preparedness plan.

News Media Representatives means qualified and properly identified representatives of general circulation newspapers; magazines of local, regional or national circulation sold or offered through newsstands and/or mail subscriptions to the general public; and national/international news services or radio/television stations holding a Federal Communications Commission license.

Offender means any adult or juvenile person under the supervision of the Department including adults and juveniles on probation or parole.

Public Information Officer (PIO) means the MSP spokesperson who has been designated by the Warden as responsible for public information duties.

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IV. PROCEDURES:

A. General Requirements:

All inmates, except those in voluntary or specialized programs, may choose to accept or reject media interview requests. The procedures for these media interviews during non-emergency conditions are as follows:

1. Media access to inmates incarcerated at MSP will be permitted at reasonable times of the day consistent with security needs.
2. All requests for interviews will be made through the PIO in accordance with procedures outlined in MSP Policy 3.1.23 "Montana State Prison Tours."
3. The PIO must obtain approval from the Warden or designee with regard to scheduling access of news media representatives onto MSP grounds.
4. Media representatives may be permitted to interview inmates, however the inmate must consent in writing (attachment A) to be interviewed for a stated purpose and without compensation. If the inmate is sentenced to death, consent must be received from the attorney of record as well as from the inmate. These forms are available from the PIO.
5. An inmate may not be photographed in a manner which is individually identifiable unless he has signed the above noted consent form.
6. Any special requirements created by the presence of a news media representative must be made in advance.
7. The PIO shall arrange for a staff person to accompany the news media representative during the interview with the inmate. A staff person must be present to ensure that audio or video recording is done in an observable manner, and that the inmate has signed the required consent form prior to the interview.

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8. The PIO must provide visitor rules and regulations to all news media representatives prior to any inmate interview taking place.

B. Additional Requirements for Juveniles:

Media access to juveniles incarcerated at MSP will be permitted with the following additional requirements:

1. News media representatives requesting to interview or photograph juvenile inmates must sign a confidentiality form (attachment B) upon admittance to MSP.
2. Juvenile inmates may not be *identified* by name in media reports or correspondence without a consent form (attachment A) signed by him and his parent/guardian .
3. A juvenile inmate may not be *photographed* in any manner that would allow his identification without a consent form (attachment A) signed by him and his parent/guardian.

C. Denial of Media Access

Media access to inmates may be denied under the following circumstances:

1. When there are safety and security concerns.
2. When MSP is operating under emergency conditions.
3. When the inmate is being housed in administrative segregation, maximum custody, detention, or temporary lockup.
4. When the inmate chooses not to be interviewed, refuses to sign a consent form, or in the case of a juvenile, does not have a proper consent form signed by the parent/guardian.
5. When a media representative fails to abide by MSP policies, rules and regulations, or is behaving in a manner that jeopardizes safety and security.

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D. Related Policies

All media access shall be in compliance with directives set forth in all MSP policies, especially MSP Policy 1.1.8 “Media Relations”, DOC Policy 1.5.6 “Offender Records Access and Release”, and other policies as noted above.

V. CLOSING:

Questions concerning this policy shall be directed to the MSP Public Information Officer/Victim Information Officer or designee.



MONTANA DEPARTMENT OF CORRECTIONS

Interview/Photo Consent Form

For Adult & Juvenile Inmates

Upon consent, I, _____, AO/JO# _____

in response to a request properly made by: _____
(Name/Organization)

grant permission to the above-named requesting party to conduct an interview and record the same both manually and electronically and/or take photographic portraits or pictures, moving pictures, audio/visual recordings, or other imaging according to the box checked below. I further grant permission to the requesting party and those acting under its authority to copyright, use, and publish for advertising, instruction or any other lawful purpose whatsoever, any statements, in full or in part, made by me during such interview, and any photographic portraits or pictures, moving pictures, audio/visual recordings, or other imaging of me in which I may be included in whole or in part.

I do hereby waive any right I may have to inspect or approve the finished product or the use to which it may be applied; and release the Montana Department of Corrections, its successors and assigns, and all persons acting under its permission or authority, from any liability by virtue of the use and publication of said interview and/or images.

I relinquish and give to the requesting party all right, title, and interest that I may have in the finished product, copies thereof, and materials used in its production; and further grant the requesting party the right to give, sell, transfer, and exhibit said product or any portion, copy or facsimile thereof, for any purpose it deems necessary and proper.

I do further waive all rights that I may have to any claims for payment or royalties in connection with any exhibit, publication, broadcast, or other use of said finished product or portion thereof.

I hereby **CONSENT** to: ☐ **Interview & Photo** ☐ **Interview Only** ☐ **Photograph Only**

/ /
Date Signed

*Offender's Signature

*For juveniles, the signature of a parent or guardian is also required if the juvenile is to be made identifiable by name, description or image.

Parent/Guardian

Date

/ /
Date Signed

Department, Facility, or Program Official

I hereby **REFUSE**: ☐ **Both Interview and Photo**

/ /
Date Signed

Offender's Signature

This consent becomes invalid 30 days after the date of offender's signature.



MONTANA DEPARTMENT OF CORRECTIONS
JUVENILE CONFIDENTIALITY FORM

I, the undersigned, understand that any information or any identities of juvenile offenders that are disclosed to me or learned by me, while I am at, or associated with Montana State Prison or other program is confidential.

I am aware that this confidentiality is protected by State law 41-5-603, MCA, and that I am prohibited from making any disclosure of such information except as provide in the law. I hereby agree that I will follow that State law.

Signature

Date

Witness

Date